

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

JAMES C. MANN (CABN 221603)
Assistant United States Attorney

1301 Clay Street, Suite 340-S
Oakland, California 94612
Telephone: (510) 637-3705
Facsimile: (510) 637-3724
E-Mail: James.C.Mann@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-07-0776 CW
)	
Plaintiff,	)	STIPULATED REQUEST TO VACATE
	)	HEARING DATE TO MAY 7, 2008 AND
v.	)	TO EXCLUDE TIME UNDER THE
	)	SPEEDY TRIAL ACT
RUDY VARVEL,)	
)	
Defendant.	)	Date: April 16, 2008
	)	Time: 2:00 p.m.
	)	Court: Hon. Claudia Wilken

The above-captioned matter is set on April 16, 2008 before this Court for motions, trial setting, or disposition. The parties request that the Court continue the hearing to May 7, 2008 at 2:00 p.m. and that the Court exclude time under the Speedy Trial Act between April 15, 2008 and May 7, 2008.

Although the currently pending indictment involves only two attempted bank robberies, the case involves many additional actual bank robberies, which occurred in several counties in the Northern District of California and the Eastern District of California. The government has produced substantial discovery, including digital media, related to all of the actual bank robberies as well as the attempted bank robberies. Defendant requires additional time to review the discovery produced by the government, to investigate this matter, and to effectively prepare for

1 the hearing taking into account the exercise of due diligence. Additionally, the parties are
2 currently negotiating a global resolution of this matter to encompass the two charged attempted
3 bank robberies as well as the currently uncharged actual bank robberies. This resolution will
4 likely involve a separate, but related, plea agreement between the Sacramento District Attorney's
5 Office and Defendant. The parties need additional time to complete negotiations and
6 documentation of this global agreement, which will likely require the transfer of Defendant,
7 following judgement in the above-captioned matter, into state custody for entry of a plea in
8 Sacramento County and then return of Defendant to federal custody.

9 The extension is not sought for delay. The parties agree the ends of justice served by
10 granting the continuance outweigh the best interests of the public and the defendant in a speedy
11 trial. Undersigned defense counsel represents that she has spoken with her client, Mr. Varvel,
12 and that Mr. Varvel agrees to this request. Therefore, the parties further stipulate and request that
13 the Court exclude time between April 15, 2008 and May 7, 2008 under the Speedy Trial Act for
14 the reasons stated above and pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv).

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16 DATED: April 15, 2008

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19 /s/
JAMES C. MANN
Assistant United States Attorney
20 Counsel for United States

/s/
JOYCE LEAVITT
Assistant Federal Public Defender
Counsel for Rudy Varvel

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR-07-0776 CW
)	
12 Plaintiff,	)	[PROPOSED] ORDER GRANTING
	)	STIPULATED REQUEST TO VACATE
13 v.	)	HEARING DATE TO MAY 7, 2008 AND
	)	TO EXCLUDE TIME UNDER THE
14	)	SPEEDY TRIAL ACT
)	
15 RUDY VARVEL,)	Date: April 16, 2008
)	Time: 2:00 p.m.
16 Defendant.)	Court: Hon. Claudia Wilken
)	

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19 The parties jointly requested that the hearing in this matter be moved from April 16, 2008
20 to May 7, 2008, and that time be excluded under the Speedy Trial Act between April 15, 2008
21 and May 7, 2008 to allow Defendant additional time to review the discovery, to investigate this
22 matter, and to effectively prepare for the hearing taking into account the exercise of due
23 diligence. Additionally, the parties are currently negotiating a global resolution of this matter to
24 encompass the two charged attempted bank robberies as well as currently uncharged actual bank
25 robberies. This resolution will likely involve a separate, but related, plea agreement between the
26 Sacramento District Attorney's Office and Defendant. The parties therefore need additional time
27 to complete negotiations and documentation of this global agreement, which may require the
28 transfer of Defendant, following judgment in the above-captioned matter, into state custody for

1 entry of a plea in Sacramento County and then return of Defendant to federal custody. For these
2 stated reasons, the Court finds that the ends of justice served by granting the continuance
3 outweigh the best interests of the public and the defendant in a speedy trial. Good cause
4 appearing therefor, and pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv),

5 **IT IS HEREBY ORDERED** that the status hearing in this matter is moved from April
6 16, 2008 to May 7, 2008 at 2:00 p.m., and that time between April 15, 2008 and May 7, 2008 is
7 excluded under the Speedy Trial Act to allow for the effective preparation of counsel, taking into
8 account the exercise of due diligence.

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10 DATED: _____

HON. CLAUDIA WILKEN
United States District Judge